

From: David Fetrow
To: Microsoft ATR
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Subject: Microsoft Settlement

I have been a programmer for slightly longer than Microsoft has been in existence. I have used many of their products from CP/M Microsoft Basic onward through Office XP. I have a great deal of respect for the company but believe they will absolutely take advantage of every legal, or remotely arguable legal, maneuver they can think of to expand Microsoft beyond its current desktop monopoly and they think very well.

They remind me of IBM in the early 80's that used its legal limits as a weapon (e.g. The famous IBM confidentiality agreement. I may have signed one of these. I can't tell you. If we had a meeting, the IBM rep could have recorded it on video and showed it on TV).

In the past Microsoft has defined words as they see fit: Make a network browser part of the OS and they can bundle it (even if they also make it available on other operating systems such as MacOS and Solaris). This was a redefinition of what is usually called an operating system (as an aside: Notice they didn't include the profitable Office in that redefinition). In the early days of Windows NT, Steve Ballmer claimed NT Workstation and NT Server were different architectures. This is true only if you allow a couple dll's and some settings to constitute a different architecture. Not the usual definition.

My understanding is that Microsoft defines certain terms in the current proposal and that they must make public certain API's (defined by Microsoft) to competitors (also defined by Microsoft).

I believe allowing them to define what constitutes the Windows API is a fundamental flaw. What is Windows? If the browser isn't part of the WindowsOS after all but all the internet functionality is folded into the browser code, can they keep the internet API's secret? What if they rename Windows "Doors"? How far can Windows morph before it is no longer covered? Is .net fundamentally different from Windows?

I believe allowing them to define what a competitor is, is worse.

Was Netscape a competitor? They admitted it was a threat but was it a competitor? Is Linux a competitor? Linux isn't even a company but a loose federation of sometime warring tribes. The public line is Linux is a niche OS, internally the infamous Halloween

Documents show some real worry and preparations for battles: technical, legal and PR. Under this proposal Microsoft is thus able to provide huge barriers to entry.

As a monopoly Microsoft can smother innovations it isn't ready for by using these techniques to make the innovation unworkable in Windows until Microsoft can 'innovate in' something they themselves own.... later on. Delaying rather speeding innovation. This is not (in my opinion) in the public interest.

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My opinions are my own and may not be those of my employer.

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